

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ELIZABETH ELLIS, AS THE CO-TRUSTEE OF THE )  
NEIL H. ELLIS IRREVOCABLE INSURANCE )  
TRUST – 2005, NO. 2 )

Plaintiff,

V.

COVENTRY CAPITAL I LLC,

Defendants.

) Case No. 08 C 3083

) Judge John W. Darrah

) Magistrate Judge Nolan

## **MOTION TO DISMISS AND COMPEL ARBITRATION**

NOW COMES Defendant COVENTRY CAPITAL I LLC, (“Coventry”) by and through its attorneys Michael C. Borders and Rosa M. Tumialán, and under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure move this Court to dismiss Plaintiff, ELIZABETH ELLIS, AS THE CO-TRUSTEE OF THE NEIL NEIL H. ELLIS IRREVOCABLE INSURANCE TRUST – 2005, NO. 2 (“Ellis”) complaint and enter an order compelling arbitration as provided under the Federal Arbitration Act (“FAA”). 9 USC *et seq.* Coventry states the following in support of its motion:

1. Coventry adopts and incorporates by reference the Memorandum of Law filed concurrently.

WHEREFORE Defendant COVENTRY CAPITAL I LLC respectfully requests that this Court grants its motion and enter an order dismissing this case, compelling arbitration and for such other relief as this Court deems proper.

Respectfully submitted,

By: /Rosa M. Tumialán  
One of the Attorneys for Defendant

Terrence E. Kiwala ARDC #1476548  
Michael C. Borders ARDC# 61800620  
Rosa M. Tumialán ARDC# 6226267  
Dykema Gossett PLLC  
10 South Wacker Drive, Suite 2300  
Chicago, IL 60606-7407  
(312) 876-1700

Brian P. Brooks  
Kyra A. Grundeman  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W.  
Washington, D.C. 20006  
(202) 383-5300

**CERTIFICATE OF SERVICE**

I hereby certify that on **June 18, 2008**, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel set forth below:

James John Sanders    [jjj@lefltd.com](mailto:jjj@lefltd.com)

A copy was also served on the below counsel by US mail:

Stephen B. Eisenberg  
Mark L. LeFevour  
Leahy, Eisenberg & Frankel, Ltd.  
33 West Monroe Street  
Suite 1100  
Chicago, IL 60603

s/ Rosa M. Tumialán